



Notice of Service of Process

KSB / ALL
Transmittal Number: 22177731
Date Processed: 10/20/2020

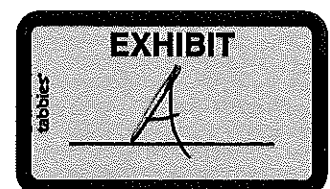
Primary Contact: Venessa C. Wickline Gribble
The Kroger Co.
1014 Vine Street
Cincinnati, OH 45202-1100

Entity:	Kroger Co. (The) Entity ID Number 2171751
Entity Served:	Kroger Co.
Title of Action:	Robin Sutton vs. Kroger Co.
Matter Name/ID:	Robin Sutton vs. Kroger Co. (10592152)
Document(s) Type:	Summons/Complaint
Nature of Action:	Personal Injury
Court/Agency:	Sevier County Circuit Court, TN
Case/Reference No:	20-CV-641-IV
Jurisdiction Served:	Tennessee
Date Served on CSC:	10/19/2020
Answer or Appearance Due:	30 Days
Originally Served On:	CSC
How Served:	Certified Mail
Sender Information:	James A.H. Bell 865-637-2900

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com



IN THE CIRCUIT COURT FOR SEVIER COUNTY, TENNESSEE

ROBIN SUTTON

Plaintiff,

v.

KROGER CO.
STORE NO. K026
Registered Agent:
CORPORATION SERVICE COMPANY
2909 Poston Ave.
Nashville, TN 37203-1312

Defendant.

Case No.: 20-cv-641-IV
JURY DEMANDED

2020 OCT -5 PM 4:05
J. ELLISON CLERK
SEVIER COUNTY, TN

CIRCUIT COURT
FILED

SUMMONS

To: KROGER CO.
STORE NO. K026
Registered Agent: CORPORATION SERVICE COMPANY
2909 Poston Ave.
Nashville, TN 37203-1312

You are hereby summoned and required to serve upon JAMES A. H. BELL, Plaintiffs attorney, whose address is: 10 Emory Place, Knoxville, Tennessee, 37917, a true copy of the answer to the Complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. You will file the original with the Court.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Issued this 05 day of October, 2020, at 4:05 o'clock, P.M.

WITNESS, Clerk of said Court, at office the 5th Day in October A.D., 2020.

Rita Ellison
CLERK

BY:

Dorothy Baker
DEPUTY CLERK

(This summons is issued pursuant to Rule 4 of the Tennessee Rules of Civil Procedure)

NOTICE

TO THE DEFENDANT: KROGER CO.
STORE NO. K026
Registered Agent:
CORPORATION SERVICE COMPANY
2909 Poston Ave.
Nashville, TN 37203-1312

Tennessee law provides for certain monetary and personal property exemptions, and may protect certain assets from execution or seizure in the event a judgment should be entered against you in this action. See Tennessee Code Annotated §26-2-101 et seq. for a detailed recitation of the applicable law. If you do not understand your exemption right or how to exercise it, you may wish to seek the advice of a lawyer.

Received this _____ day of _____, 2020.

PROCESS SERVER / SHERIFF / DEPUTY

RETURN ON SERVICE OF SUMMONS

I hereby certify and return that on the _____ day of _____, 2020, I served this summons together with the complaint as follows: _____

I hereby certify and return that on the _____ day of _____, 2020, I failed to serve this summons within 90 days after its issuance because: _____

PROCESS SERVER / SHERIFF / DEPUTY

IN THE CIRCUIT COURT FOR SEVIER COUNTY, TENNESSEE

ROBIN SUTTON

Plaintiff,

v.

KROGER CO.
STORE NO. K026
Registered Agent:
CORPORATION SERVICE COMPANY
2909 Poston Ave.
Nashville, TN 37203-1312

Defendant.

Case No.: 20-CV-644-IV
JURY DEMANDED



COPY

2020 OCT -5 PM 4:05
CLERK
SEVIER COUNTY, TN

CIRCUIT COURT
FILED

SUMMONS

To: KROGER CO.
STORE NO. K026
Registered Agent: CORPORATION SERVICE COMPANY
2909 Poston Ave.
Nashville, TN 37203-1312

You are hereby summoned and required to serve upon JAMES A. H. BELL, Plaintiffs attorney, whose address is: 10 Emory Place, Knoxville, Tennessee, 37917, a true copy of the answer to the Complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. You will file the original with the Court.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Issued this 05 day of October, 2020, at 4:05 o'clock, P.M.

WITNESS, Clerk of said Court, at office the 5th Day in October A.D., 2020.

Rita Ellison
CLERK

BY: Dorothy Baker
DEPUTY CLERK

(This summons is issued pursuant to Rule 4 of the Tennessee Rules of Civil Procedure)

NOTICE

**TO THE DEFENDANT: KROGER CO.
STORE NO. K026
Registered Agent:
CORPORATION SERVICE COMPANY
2909 Poston Ave.
Nashville, TN 37203-1312**

Tennessee law provides for certain monetary and personal property exemptions, and may protect certain assets from execution or seizure in the event a judgment should be entered against you in this action. See Tennessee Code Annotated §26-2-101 et seq. for a detailed recitation of the applicable law. If you do not understand your exemption right or how to exercise it, you may wish to seek the advice of a lawyer

Received this _____ day of _____, 2020.

PROCESS SERVER / SHERIFF / DEPUTY

RETURN ON SERVICE OF SUMMONS

I hereby certify and return that on the _____ day of _____, 2020, I served this summons together with the complaint as follows: _____
_____.

I hereby certify and return that on the _____ day of _____, 2020, I failed to serve this summons within 90 days after its issuance because: _____
_____.

PROCESS SERVER / SHERIFF / DEPUTY

IN THE CIRCUIT COURT FOR SEVIER COUNTY, TENNESSEE

ROBIN SUTTON

Plaintiff,

v.

KROGER CO.
STORE NO. K026
Registered Agent:
CORPORATION SERVICE COMPANY
2909 Poston Ave.
Nashville, TN 37203-1312

Defendant.

Case No.: 20-CV-641-IV
JURY DEMANDED

2020 OCT -5 PM 4:05
JIM L. ELLISON CLERK
SEVIER COUNTY, TN

CIRCUIT COURT
FILED

COMPLAINT

Comes now the Plaintiff, Robin Sutton, by and through counsel, sues the Defendant, Kroger Co. (Kroger). For her cause of action, Plaintiff would show as follows:

Jurisdiction and Venue

1. Plaintiff Robin Sutton is and was at all material times a resident of Sevierville, Sevier County, Tennessee.
2. The Defendant, Kroger, is a corporation formed in Cincinnati, Ohio and licensed to do business in Tennessee as a grocery establishment. Kroger has locations throughout Tennessee, including Store No. K026 located in Sevier County, Tennessee where the injury that prompted this action occurred. They may be served with process through their registered agent, Corporation Service Company, located at 2908 Poston Ave., Nashville, Tennessee 37203-1312.
3. Jurisdiction is proper in this Court pursuant to Tennessee Code Annotated § 16-10-101.

4. Venue in the Circuit Court for Sevier County, Tennessee is proper pursuant to Tennessee Code Annotated § 20-4-101(a) as the facts which prompted this cause of action as well as the negligence and injuries sustained occurred in Sevier County, Tennessee.

STATEMENT OF FACTS

5. At all relevant times, the Defendant owned, operated, possessed and controlled the Kroger Store No. K026 located at 702 Winfield Dunn Pkwy, Sevierville, TN 37876 (Store K026).
6. Kroger Store No. K026 is a retail store operated for profit by the Defendant. The retail store is open to the general public.
7. On or about November 13, 2019, Plaintiff Robin Sutton was walking to her vehicle located at the gas station area of Store K026. As Plaintiff was walking to her vehicle, she slipped on accumulated ice and fell on her right side, resulting in personal injuries.
8. The impact of Ms. Sutton's fall caused her head to hit the ground, and she suffered a closed head injury. Plaintiff lost consciousness during the fall.
9. Ms. Sutton was taken by ambulance from Store K026 to LeConte Medical Center. She was diagnosed with a concussion, rib and hip contusions.
10. Since that time Ms. Sutton has continued to experience headaches and other pain from the closed head injury. Because her headaches continue each day and have progressed, Plaintiff was referred to a neurologist for an evaluation. At the time of filing of this complaint, Plaintiff is still treating for her concussion and suffering from the effects of the concussion.

PREMISES LIABILITY NEGLIGENCE

11. Plaintiff restates and realleges all preceding paragraphs.
12. At the time of the injury previously described, the Defendant owed a duty to all customers, including the Plaintiff, to exercise ordinary and reasonable care to protect said customers

from unreasonable risks of harm. This duty includes maintaining its premises in a reasonable safe condition either by removing potentially dangerous conditions in order to avoid foreseeable harm to customers.

13. The duty to exercise reasonable care also requires the Defendant to warn customers of dangerous conditions which could foreseeably cause injuries.

14. The accumulation of ice near the gas pumps where it is foreseeable that individuals will be walking created a dangerous condition and created a foreseeable risk of injury.

15. Upon information and belief, the ice existed for a period of time that the Defendant knew, or in the exercise of reasonable and due diligence, should have known of its existence.

16. The Defendant and/or the agents of the Defendant breached their duty of reasonable care to the Plaintiff by failing to remove or repair the unreasonable dangerous condition or warn the Plaintiff and/or others of the existence of the dangerous condition.

17. The negligence of the Defendant in failing to remove the dangerous condition, or in the alternative, warn against the dangerous condition, was the proximate cause of the injuries sustained by the Plaintiff.

18. Pursuant to the doctrine of *respondeat superior*, the Defendant is vicariously liable for the negligent acts and omissions of its employees and agents.

DAMAGES

19. Plaintiff restates and realleges by reference all preceding paragraphs.

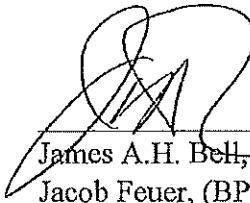
20. As a direct and proximate result of the injuries suffered by the Plaintiff, she has endured pain and suffering and incurred medical bills for reasonable and necessary treatment.

21. Plaintiff believes that her medical condition will be permanent and she will incur future medical expense, and pain and suffering of body and mind.

WHEREFORE, PREMISES CONSIDERED, PLAINTIFF PRAYS:

22. That a copy of this Complaint be served upon the Defendant and that she be required to answer within the time prescribed by law;
23. An award of judgment be had against the Defendant in favor of the Plaintiff for compensatory damages in a reasonable amount that the jury deems reasonable and fair under the proof, but not to exceed two hundred forty thousand dollars (\$240,000.00).
24. That all costs, including, but not limited to, discretionary costs, be taxed to and paid by the Defendant.
25. That a twelve-person jury be empaneled to try the issues as raised herein.

Respectfully submitted this 2nd day of October, 2020.



James A.H. Bell, (BPR#000775)

Jacob Feuer, (BPR#33715)

The Law Offices of James A.H. Bell, P.C.

10 Emory Place

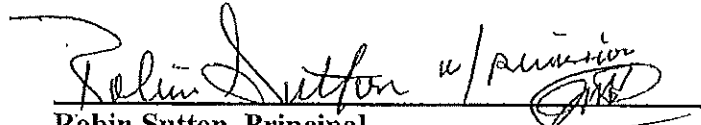
Knoxville, TN 37917

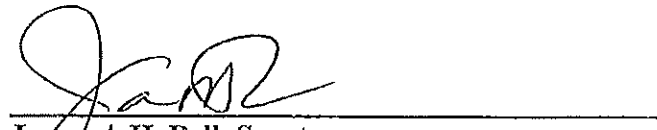
865-637-2900

Attorneys for the Plaintiff

COST BOND

We, the undersigned, hereby declare ourselves principal and surety, respectively, in this action in accordance with Tennessee Code Annotated § 20-12-101 *et seq.*


Robin Sutton, Principal


James A.H. Bell, Surety

RECEIPT

Circuit Court Clerk, Rita Ellison
Sevier County Circuit Court
125 Court Avenue
Sevierville, TN 37862
(865) 453-5536

No: 50669
Receipt Date: 10/06/2020
System Date: 10/06/2020

Received Of: The Law Office of James A.H. Bell Total Amount Paid: \$374.50

Payment Method/No: Business Check 6561 \$374.50

Amount Tendered: \$374.50

Amount Returned: \$0.00

Case: 78CC1-2020-CV-641

Robin Sutton vs The Kroger Co.; On Behalf Of: Plaintiff - Ro Amount Paid: 374.50 PAID IN FULL

Rita Ellison

Page 1 of 1

By:

Dorothy Baker, dorothy

RECEIPT

Circuit Court Clerk, Rita Ellison
Sevier County Circuit Court
125 Court Avenue
Sevierville, TN 37862
(865) 453-5536

No: 50669
Receipt Date: 10/06/2020
System Date: 10/06/2020

Received Of: The Law Office of James A.H. Bell Total Amount Paid: \$374.50

Payment Method/No: Business Check 6561 \$374.50

Amount Tendered: \$374.50

Amount Returned: \$0.00

Case: 78CC1-2020-CV-641

Robin Sutton vs The Kroger Co.; On Behalf Of: Plaintiff - Ro Amount Paid: 374.50 PAID IN FULL

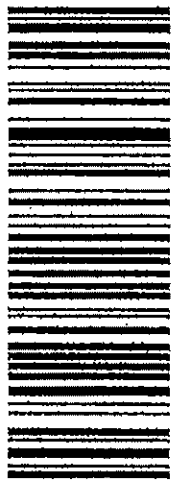
Rita Ellison

Page 1 of 1

By:

Dorothy Baker, dorothy

CERTIFIED MAIL®



7017 3040 0000 0473 8174

THE LAW OFFICES OF
JAMES A. H. BELL, P.C.
10 EMORY PLACE
KNOXVILLE, TENNESSEE 37917



1000 37203

U.S. POSTAGE P,
FCM LETTER
KNOXVILLE, TN
37917
OCT 15, 20
AMOUNT
\$7.10
R2305P150941-28

CORPORATION SERVICE COMPANY
2909 Poston Ave.
Nashville, TN 37203-1312

372033134E 0031